

Quo Vadis Protection of The Basic Rights of Indonesian Workers: Highlighting The Omnibus Legislation and Job Creation Law

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Abstract

This article focused on the dynamics following the enactment of the Law on Job Creation. Pros and cons were raised publicly, with proponents arguing that the Omnibus Legislation method could be used to propose leaps and further forward steps for national economic acceleration with more effective and efficient investment and the creation of new job fields in Indonesia. However, the opposition argued that this law, enacted using the Omnibus Legislation method, was not prepared and did not involve workers or worker unions in the lawmaking process prior to its enactment. Furthermore, this law has crucial and controversial provisions that weaken workers' rights fulfillment compared to the previous arrangement. This condition is the primary issue that created a chasm between workers with their rights and their employers, and it is the basis for further analysis of legal norms in the entirety of the Law on Manpower and the Law on Job Creation. With the use of a normative legal research method supported by a statutory law approach and a legal conceptual approach, as well as a legal material searching method and argumentative analysis, legal research is conducted. This article discovers and proposes fundamental principles, concept formulation, and concept proof comprehensively regarding Employment Law policy dynamics in Indonesia and pursues basic rights of workers protection after enactment of the Omnibus Law on Job Creation to ensure the realization of worker rights protection including industrial relations problem, and certainty guarantee that Employer must fulfill.

A. Introduction

Legal protection for workers in Indonesia is a mandate from the constitution¹, notably Article 27 paragraph 2 of the 1945 Indonesia Constitution (UUD NRI 1945), which states that the state guarantees the right to work and a decent living. Globalization affects the flow of investment and economic activities, with the participation of the manpower serving as a vital component

of the national economy². To accelerate the wheels of national development, global developments also encourage numerous nations, particularly developing countries, to regulate, manage, and enhance all employment-related aspects³. This is inseparable from the fact

1 Nadirsyah Hosen, 2007, Human Rights Provisions in the Second Amendment to the Indonesian Constitution from *Shari'ah* Perspective, *The Muslim World*, 97, Iss. 2, 200-224.

2 Tania Murray Li, 2017, The Price of Un/Freedom: Indonesia's Colonial and Contemporary Plantation Labor Regimes, *Comparative Studies in Society and History*, 59(2), 245-276, DOI: 10.1017/S0010417517000044.

3 Jensen, C., Wenzelburger, G. & Zohlnhöfer, R. (2019). Dismantling the Welfare State? After Twenty-five years: What have we learned and what should we learn?, *Journal of European Social Policy*, 29, Iss. 5, 681-691, DOI: <https://doi.org/10.1177/0958928719877363>.



that manpower is an essential element in the national scheme toward a welfare state.

The substance of the 1945 Indonesia Constitution as the state's fundamental law gives Pancasila a fundamental position as an ultimate reference for achieving the objectives of the Indonesian state⁴. The values of Pancasila as an integral part of the 1945 Indonesia Constitution are contained in the Preamble of the Fourth Paragraph of the 1945 Indonesia Constitution as the purpose of the state and the basis for administering the state in all aspects of life⁵. Pancasila and state objectives are embodied in government instruments such as laws and regulations, policies and policy regulations⁶, as stipulated in Article 2 of Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 (UU P3), requires the values of Pancasila as the source of all sources of law including laws and regulations in realizing Indonesia as a welfare state⁷.

The mandate of the Fourth Paragraph of the Preamble of the 1945 Indonesia Constitution within the framework of the welfare state⁸ is the basis for the *staatsgrundgesetz* Body of the 1945 Indonesia Constitution.

A reflection of legal protection and guarantees of human rights for workers in Indonesia is a mandate from the constitution⁹, especially Article 27 paragraph (2)

4 I Dewa Made Suartha, I Dewa Agung Gede Mahardika Martha, & Bagus Hermanto, 2021, Innovation based on Balinese Local Genius shifting Alternative Legal Concept: Towards Indonesia Development Acceleration, *Journal of Legal, Ethical, and Regulatory Issues*, 24 (7), 1-9.

5 Teguh Prasetyo, 2014, "Membangun Hukum Nasional berdasarkan Pancasila", *Jurnal Hukum dan Peradilan*, Volume 3, Number 3 (November): 213-222, DOI: <http://dx.doi.org/10.25216/jhp.3.3.2014.213-222>.

6 Widiatedja, I.G.N.P. (2021). Fragmented Approach to Spatial Management in Indonesia: When it Will Be Ended?, *Kertha Patrika*, 43(2), 145-166, DOI: <https://doi.org/10.24843/KP.2021.v43.i02.p03>.

7 Fais Yonas Bo'a, 2018, "Pancasila sebagai Sumber Hukum dalam Sistem Hukum Nasional", *Jurnal Konstitusi*, Volume 15, Number 1, (March): 27-49, DOI: <https://doi.org/10.31078/jk1512>.

8 Nyoman Mas Aryani & Bagus Hermanto, 2018, Gagasan Pengaturan yang Ideal Penyelesaian Yudisial maupun Ekstrayudisial Pelanggaran Hak Asasi Manusia di Indonesia, *Jurnal Legislasi Indonesia*, 15 (4), 369-383.

9 Irene Istiningsih Hadiprayitno, 2010, Defensive

and Article 28D paragraph (2) of the 1945 Indonesia Constitution. This constitutional mandate also requires the state through the government to realize this through government actions that lead to the fulfillment of the rights of citizens to obtain jobs¹⁰. This segment is closely related to other issues concerning the direction of state policy towards a friendly investment climate, labor protection, comprehensive development of mutually beneficial economic cooperation, security of micro, small, and medium enterprises, and several other sectoral issues for national development that require a scheme that idealizes and balances all of these elements, one of which has an impact on the creation of new jobs and the expansion of existing jobs.

Due to globalization and the industrial revolution, the development of the global world, particularly for developing countries, as is typically the case with Third World countries, is consciously confronting world developments 4.0¹¹. The issue of competitiveness, effectiveness, and efficiency of the national economy becomes a medium- and long-term challenge due to globalization, which requires every country, including Indonesia, to compete with other nations. Therefore, arrangements are necessary to streamline many regulations' overlap and sectorial nature. The government has chosen the Omnibus Legislation approach to avoid discord, regardless of whether the subject, object, or content material becomes harmonious¹².

The omnibus legislation method was formalized in Presidential Regulation No. 18 of 2020, which established a legal develop-

Enforcement: Human Rights in Indonesia, *Human Rights Review*, 11(3), 373-399, DOI: 10.1007/s12142-009-0143-1.

10 Nurrahman Aji Utomo, 2016, "Mengurai Kerangka Legislasi sebagai Instrumen Perwujudan Hak Asasi Manusia", *Jurnal Konstitusi*, Volume 13, Number 4, December, 886-910, DOI: <https://doi.org/10.31078/jk13410>.

11 Dora Kusumastuti, 2016, "Developing Subsidized Mortgage Agreement Based on the Justice Values of Pancasila (Indonesian State Philosophy)", *Journal of Advanced Research in Law and Economics*, Volume VII Winter, Issue 8(22), 2079-2085, DOI: 10.14505/jarle.v7.8(22).19.

12 Ima Mayasari, 2020, "Kebijakan Reformasi Regulasi melalui Implementasi Omnibus Law di Indonesia", *Jurnal Rechtsvinding*, Volume 9, Number 1, April, 1-15.

ment agenda linked to several prestigious prospects in the 2020-2024 National Mid-Term Development Plan. However, chronic issues with the quality and quantity of legislation in Indonesia, as evidenced by data from the Center for the Study of Law and Policy (PSHK) between 2014 and October 2018, published approximately 8,945 legislation and regulations, including 107 laws, 452 government regulations, 765 Presidential Regulations, and 7,622 Ministerial Regulations. Agustiyanti cited PSHK as stating that the primary issue is the lack of a method to organize legislation and national regulations that are irregular and trigger potential legal problems, thereby impeding development programs and even access to public services. Therefore, harmonization and synchronization of legislation and national regulations are necessary¹³.

This issue was also discussed at the 4th National Conference on Constitutional Law/KN-HTN in Jember, November 10-13, 2017, which established the Jember Recommendation on Regulatory Arrangement in Indonesia, which identified more serious legal issues as a result of the formation of uncontrolled regulations to date¹⁴. This issue is deemed significant enough to warrant recommendations for simplifying and harmonizing legislation and regulations at the national and regional levels¹⁵.

This issue persists in the course of reform in Indonesia, with the welfare state paradigm encouraging some legal policies to be enacted, including on economic, trade, and labor issues, as evidenced by President Joko Widodo's statement in October 2017

complaining about the number of regulations issued by Indonesia, approximately 42,000 regulations from the statutory level to regulations at the regional level, which are deemed to be excessive. This is not unfounded, but this chaos and confusion are also evidenced by the Regulatory Quality Index set by the World Bank, which confirms that Indonesia's position in the 1996 to 2017 period has always been in a minus position or the category of low or poor regulatory quality, as of 2017, Indonesia recorded a score of -0.11 points or is ranked 92nd out of 193 countries, or fifth among ASEAN countries.

During the inauguration of his second term on October 20, 2019, President Joko Widodo reaffirmed his position on this matter to encourage the implementation of omnibus law, also known academically as omnibus legislation, in the context of legal breakthroughs on bureaucratic national regulatory issues. With the consideration of the Job Creation Bill and the Micro, Small, and Medium Enterprises Empowerment Bill, as a step forward to simplify regulations, break the complicated bureaucratic chain, and create ease of doing business, this is also a resistance to the development of foreign investment flows into Indonesia. According to a number of preliminary studies conducted by the Ministry of National Development Planning/Bappenas, the largest resistance factor contributing to slow economic growth was due to problematic regulations and institutional, sectoral bureaucratization so that the economic development agenda designed for leaps required a legal breakthrough capable of breaking all resistance factors, including barriers from existing regulations¹⁶. Thus, the omnibus legislation method is included as part of the national development agenda through the 2020-2024 National Mid-Term Development Plan, which is forwarded to the 2020-2024 National Legislation Program, as well as the 2020 Priorities for four Bills based

13 Agustiyanti. "Jokowi Sebut 42 Ribu Aturan Hambat RI Ikuti Perubahan Global." *cnnindonesia.com* URL: <https://www.cnnindonesia.com/ekonomi/20171024125609-92-250596/jokowi-sebut-42-ribuaturan-hambat-ri-ikuti-perubahan-global>, (accessed on March 4, 2020), p. 1-2.

14 Bayu Dwi Anggono, 2020, "Omnibus Law sebagai Teknik Pembentukan Undang-undang: Peluang Adopsi dan Tantangannya dalam Sistem Perundang-undangan Indonesia", *Jurnal Rechtsvinding*, Volume 9, Number 1, April, 17-37.

15 Agnes Fitriyantica, 2019, "Harmonisasi Peraturan Perundang-Undangan Indonesia melalui Konsep Omnibus Law," *Gema Keadilan*, Volume 6, Number 3, DOI: <https://doi.org/10.14710/gk.6.3.300-316>, 300-316.

16 Suharso Monoarfa, 2020, "Perubahan Undang-undang Bidang Tata Ruang, Lingkungan Hidup dan RUU Ibukota Baru", submitted at the Hearing Meeting of the House of Representatives of the Republic of Indonesia with the Ministry of Agrarian Affairs/National Land Agency and the Ministry of National Development Planning on 19 February.

on the omnibus legislation method, namely the Job Creation Bill and The Bill on Provisions and Ease of Tax Facilities for the Economy was later amended and merged into the Job Creation Bill, and the State Capital Bill, all three of which were proposed by the Government, while the Pharmaceutical Bill was an initiative proposed by the House of Representatives.

Until one of the four omnibus legislation-based bills is successfully discussed, ratified, and the Job Creation Law is enacted during the 2020 session, the facts demonstrate that the success of the enactment of the Job Creation Law cannot be separated from the various chaotic and messy ways in which the omnibus legislation method was applied to the Omnibus Law of the Job Creation Law. In addition, numerous problems arose from the impression of haste, the lack of public openness in the drafting process, and substantial issues relating to the discourse of breaking investment resistance into the Indonesian economy while encouraging the protection of intellectual property¹⁷.

Employment-related content is one of the groups of content with implications for the Omnibus Law on the Job Creation Law. Chapter IV Manpower Law Articles govern the employment cluster 80 to 84 of the Job Creation Law, which modifies, specifies, and repeals several provisions of the Manpower Law, the National Social Security System Law, the Law on Social Security Administering Bodies, and the Law on the Protection of Indonesian Migrant Workers. The four laws that are subject to the Omnibus Law method present their own challenges in terms of how to implement legal protections for workers' rights, given that some crucial provisions have emerged, including those concerning leave, termination of employment, contracted/out-sourced workers, foreign workers, and termination of employment.

Nevertheless, the existence of the Job

17 Andri Saubani, "UU Cipta Kerja Mengulang Catatan Buruk Proses Legislasi", *republika.co.id*, URL: <https://www.republika.co.id/berita/ghrws409/uu-cipta-kerja-mengulang-catatan-buruk-proses-legislasi>, (accessed on July 10, 2021), p. 1.

Creation Law is still a matter of academic and social discourse. It is often contradicted by the steps of the Indonesian Government, which previously established several previous policies in the field of employment, such as I Gede Yusa et al. that stated several laws, such as the Manpower Law, are still the proper legal policy framework in the context of national development, especially in terms of affirming the existence of Indonesian workers who must be guaranteed and protected, both in terms of ensuring the fulfillment of basic rights for Indonesian workers, guarantees for to obtain equal opportunities, and guarantees of being free from discriminatory treatment in any form and reason, with the ultimate goal of the state ensuring inclusive welfare for the workforce and their families while consistently focusing on the development of the business world¹⁸.

Teri L. Caraway (2009) provides an intriguing review in which she asserts that the Manpower Act 2003 contains several flaws and, in this case, provides obstacles and resistance to the existence of workers in Indonesia, even though there are good intentions in terms of encouraging technology transfer efforts and knowledge transfer, but the framework of this law is not viewed as an adequate basis for labor issues in Indonesia¹⁹. According to Warnecke and de Ruyter (2012), the other major challenge for the government is posed by business actors and workers who represent an economic resistance factor. There are four identified problem areas: first, illegal and unlawful work agreements; second, the negotiation process and procedural dispute resolution in legislation that is biased against the workforce, including in terms of forming a legitimate union; third, a government that turns a "blind eye" to business activities that

18 I Gede Yusa, Bagus Hermanto, and Nyoman Mas Aryani, 2020, No-Spouse Employment and the Problem of the Constitutional Court of Indonesia, *Journal of Advanced Research in Law and Economics*, Volume 11, Issue 1(47), Spring, 214-226, DOI: [https://doi.org/10.14505/jarlev11.1\(47\).26](https://doi.org/10.14505/jarlev11.1(47).26).

19 Teri L. Caraway, 2009, Labor Rights in East Asia: Progress or Regress?, *Journal of East Asian Studies*, Volume 9, Issue 2, 153-186, DOI: <https://doi.org/10.1017/S1598240800002976>.

violate the law on the fundamental rights of Indonesian workers; and fourth, a tendency for government officials to favor employers over workers²⁰. Despite the enactment of the Job Creation Law and its implementing regulations, which are intended to balance economic progress with the breaking of resistance factors for ease of doing business, investment, and other economic activities, while encouraging the protection of basic rights, these things are still reflected normatively for the workforce. This article questions explicitly the **Quo Vadis Protection of the Basic Rights of Indonesian Migrant Workers: Perspective on the Dynamics of Legislative Policy** in the context of the main issue, namely the dynamics of the regulation of manpower law in Indonesia and the substance of legal protection for workers to protect the basic rights of the Indonesian workforce.

This article is based on applying normative legal research or doctrinal legal research by prescribing law as a prescriptive discipline²¹. The primary emphasis is on the location of the law as a norm, a systemic framework of a norm system, or a hierarchy of laws and regulations²² as a legal, scientific approach to addressing issues pertaining to labor law policies in the protection of the rights of Indonesian workers. This article also employs a statutory approach and a conceptual approach supported by tracing legal materials to examine primary and secondary legal materials, as well as informative legal materials, with descriptive and analytically argumentative results²³.

- 20 Tonia Warnecke and Alex de Ruyter, 2012, The Enforcement of Decent Work in India and Indonesia: Developing Sustainable Institutions, *Journal of Economic Issues*, Volume XLVI, Issue 2, June, 393-401, DOI 10.2753/JEI0021-3624460214.
- 21 Nafay Choudhury, 2017, Revisiting Critical Legal Pluralism: Normative Contestations in the Afghan Courtroom. *Asian Journal of Law and Society*, Volume 4, Issue 1, 229-255, DOI: 10.1017/als.2017.2.
- 22 Karen Petroski, 2013. Legal Fictions and the Limits of Legal Language. *International Journal of Law in Context*, 9(4), 485-505. DOI: 10.1017/S1744552313000268.
- 23 Wibisana, A.G. (2019). Menulis di Jurnal Hukum: Gagasan, Struktur, dan Gaya, *Jurnal Hukum & Pembangunan*, 49(2), 471-496.

B. Discussion

1. Dynamics of Employment Regulatory Policy in Indonesia

Public policy instruments with authoritative power are coercive and can reach all stakeholders by the state²⁴. Doctrinally it is embodied in the form of laws and regulations that can regulate various aspects of life with a coercive nature²⁵. In this context, laws, and regulations constitute public policy²⁶. Regarding employment policies, Manpower Law can be viewed as a framework of written and unwritten legal systems or regulations with substantive content on labor issues, whose purpose is to regulate harmonious relationships and prevent various potential legal problems for the parties—related to the labor system's framework. Prior to the work period, during the work period, and after the work period, employment is defined as all activities closely related to the workforce²⁷.

The issues focused on in this article regarding the dynamics of policy regulation in the Manpower Sector in Indonesia are closely related to historical developments (history of law), recent developments in government policies adopting the Omnibus legislation method (commonly called the Omnibus Law), the Job Creation Law, as well as the substances regulated as a revolutionary change to labor issues in Indonesia after the enactment of the Job Creation Law.

a. Dynamics of Government Regulatory Policies regarding Manpower in Indonesia before the enactment of the Job Creation Law

- 24 Bagus Hermanto, Nyoman Mas Aryani, & Ni Luh Gede Astariyani, 2020, Penegasan Kedudukan Penjelasan Suatu Undang-Undang: Tafsir Putusan Mahkamah Konstitusi, *Jurnal Legislasi Indonesia*, 17 (3), 251-268.
- 25 Gede Marhaendra Wija Atmaja, Ni Luh Gede Astariyani, Nyoman Mas Aryani, & Bagus Hermanto, *Hukum Kebijakan Publik* (Denpasar: Swasta Nulus, 2022).
- 26 Sitti Mawar, 2020, Metode Penemuan Hukum (Interpretasi dan Konstruksi) dalam Rangka Harmonisasi Hukum, *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-undangan dan Pranata Sosial*, Volume 1, Nomor 1, 22-38, DOI: <http://dx.doi.org/10.22373/justisia.v1i1.2558>.
- 27 G. Davidov, and B. Langille, *The idea of labour law*, (United Kingdom: Oxford University Press, 2011).

These labor arrangements can be divided into several periods, but only considering current developments and their relevance to the post-independence era, the New Order, and the reform era to the present, which are inextricably linked to the political power structure in place.

The Post-Independence era was marked by the emergence of the *Pancakrida* Labor Law as a basis for the struggle for the labor aspect at the beginning of independence by carrying out five main agendas for labor or national employment at the time, namely being free from all forms of slavery or slavery, free from all forms of forced labor, Indonesia that is free from *poenale sanctie*, all three of which have been declared to have vanished immediately after the proclamation of independence. In opposition to the other two agendas, namely eliminating the fear of job loss among Indonesian workers and establishing a balanced relationship between workers and employers, the struggle is focused on both agendas²⁸.

This is not without reason, considering the problems in terms of empowering Indonesian workers and the existing labor unions to be able to understand the regulations related to employment and the rights they have in drafting work agreements with employers, the issue of empowering workers and employers to understand rights, obligations, and regulations that concern both parties, as well as the achievement of benefits through strict law enforcement of normative regulations related to employment to ensure guarantees for the two legal subjects who differ according to their social and economic nature, especially for workers.

This background also encourages government steps to ratify international labor instruments in the ILO conventions and adapt them to national legislation in line with the directives of these international instruments, focusing on social security and labor protection progressively and protectively to protect workers. In this era, around 150 national trade unions, hundreds of local trade unions, and

28 Abdullah Sulaiman dan Andi Walli, *Hukum Ketenagakerjaan/Perburuhan*, First Edition, (Jakarta: YPPSDM, 2019).

seven trade union federations were formed in the 1950s but focused more on political activities and mass mobilization rather than promoting labor protection. In this era, the Government succeeded in enacting national legislation related to the human resources sector, namely Law Number 12 year 1948 concerning Work, Law Number 33 of 1947 concerning Work Accidents, Law Number 23 year 1948 concerning Labor Inspection, Law Number 21 year 1954 concerning Labor Agreements between Labor Unions and Employers, Law Number 22 year 1957 concerning Settlement of Industrial Relations Disputes, Law Number 18 year 1956 concerning Approval of the International Labor Organization (ILO) Convention Number 98 concerning Fundamentals of Rights to Organize and Negotiate Collectively; and Regulation of the Minister of Manpower Number 90 year 1955 concerning Registration of Trade Unions²⁹.

Significant progress in the early era of independence gradually disappeared into the Old Order and New Order regimes, with the mobilization of manpower/workers as part of the military, the establishment of Company Councils from various Dutch companies which the Indonesian government nationalized, various political and economic movements of labor unions which were limited by the military, both regulatory and coercive. However, various labor actions mobilized by political interests as well as underground movements were still taking place at that time until the collapse of these two regimes were also supported by various existing labor organizations, so the focus was not on the issue of labor protection but rather to support political and economic mobilization.

The Reformation period became a breakthrough momentum to start organizing labor issues as one of the reform agendas that had been rolling since the government of President BJ Habibie sought the ratification of two crucial ILO conventions related to freedom of association and organization for workers and the minimum age to become a

29 Ujang Charda, 2016. Reformasi Politik Hukum Ketenagakerjaan dalam Kebijakan Pemerintah Indonesia. *Jurnal Wawasan Yuridika* Volume 31, Number 2, 121-153, DOI: <http://dx.doi.org/10.25072/jwy.v31i2.79>.

worker, and the 1998-2003 Human Rights Action Plan and the Human Rights Law which recognizes the guarantee of the right to work and its derivatives were rolled out. The era of President KH Abdurahman Wahid also pushed for the enactment of the Labor Union Act. Finally, in the era of President Megawati Soekarno Putri, several umbrella laws were successfully enacted, namely the Manpower Act as a substitute for 15 laws and regulations in the field of employment, the Dispute Resolution Act Industrial Relations, and the Law on the Protection and Placement of Indonesian Migrant Workers³⁰. During the presidency of Susilo Bambang Yudhoyono, numerous efforts were made to improve the investment climate, unemployment, social welfare, and economic growth. However, employment policies often ran counter to the desires of the labor force, such as the Presidential Instruction on Investment Climate Improvement, which encouraged the revision of the Manpower Act³¹. Likewise, it is complicated by the weakness of the law enforcement process on normative labor regulations. The era of President Joko Widodo's leadership also resulted in some employment issues, including wage stipulation and significant changes to the entry of foreign workers via Presidential Regulation Number 20 of 2018, including Law Number 18 of 2017 concerning the Protection of Migrant Workers, as well as other policies, including the emergence of the job creation law, which sparked controversy. Labor law has undergone various dynamics since reform, including legal, political, economic, and ideological changes, as well as the impetus for global disruption brought about by globalization and multilateralism³². Employment law seeks to strike a balance between the positions of workers and employers and guarantees workers' normative rights through

laws and regulations that accommodate all normative rights. One of the demands for reform is to promote Labor Law Reform³³, which includes the renewal and formation of labor law, as well as respect for human rights, the democratization of the workplace, and community participation³⁴.

b. Establishment of a Job Creation Law with the Omnibus Law Method

Omnibus law or omnibus legislation is a method for drafting laws by amending or revoking several laws that are still in force, covering some subjects/issues and content material unrelated to one another³⁵. The application of the Omnibus Law method cannot be implemented immediately because it could lead to legal uncertainty regarding the lawmaking process³⁶. In addition, its rapid nature and capacity to contain multiple subject areas in a single text³⁷ can easily result in violations of the stages of lawmaking. The Job Creation Law is a law based on the Omnibus Legislation, combining 78 changes to the law into one law with 1,187 pages, organized into 11 clusters³⁸.

30 Budi Santoso, 2018. The Obstacles of Labor Inspection in Protecting Workers' Rights in Indonesia, *Journal of Advanced Research in Law and Economics*, Volume IX, Fall, Issue 5(35): 1765 – 1770. DOI: 10.14505/jarle.v9.5(35).31.

31 Arifuddin Muda Harahap, *Pengantar Hukum Ketenagakerjaan*, (Batu: Literasi Nusantara, 2020).

32 Amengual, Matthew, and Laura Chirot. 2016, Reinforcing the state: Transnational and state labor regulation in Indonesia, *ILR review*, Volume 69, Issue 5, 1056-1080, DOI: <https://doi.org/10.1177/0019793916654927>.

33 Nyoman Mas Aryani, Ayu Putu Laksmi Danyathi, & Bagus Hermanto, 2022. Legal Policy Dynamics of the Foreign Workers in Indonesia: Should it be justified?. *Kertha Patrika*, 44(1), 1-25. doi:10.24843/KP:2022.v44.i01.p.01

34 Robert Alexy, 2013, Some reflections on the ideal dimension of law and on the legal philosophy of John Finnis, *The American Journal of Jurisprudence*, Volume 58, Issue 2, 97-110, DOI:10.1093/ajj/aut009, pp. 103-104.

35 Daniel Greenberg, 2021. Comparative Multidisciplinary Perspectives on Omnibus Legislation, *Statute Law Review*, Volume 42, Issue 3, DOI: <https://doi.org/10.1093/slr/hmab023>, 410–411.

36 Zamboni, M. (2021). (Absence of) Omnibus Legislation in Sweden: When Legislative Drafting Affects the Political Discourse. In: Bar-Siman-Tov, I. (eds) *Comparative Multidisciplinary Perspectives on Omnibus Legislation*. Legisprudence Library, vol 8. Springer, Cham., https://doi.org/10.1007/978-3-030-72748-2_13, 315-333.

37 Popelier, P. (2021). The Practice of Omnibus Laws in Belgium: An Empirical Test. In: Bar-Siman-Tov, I. (eds) *Comparative Multidisciplinary Perspectives on Omnibus Legislation*. Legisprudence Library, vol 8. Springer, Cham. https://doi.org/10.1007/978-3-030-72748-2_12, 283-313.

38 Firman Adi Candra, 2021, Kritisi Omnibus Law dalam Perspektif Toleran dalam Khilafiyah, *Jurnal Res Justitia : Jurnal Ilmu Hukum*, Volume 1, Nomor 1, DOI: <https://doi.org/10.46306/rj.v1i1.6>, 70-113.

Nevertheless, Indonesia had experience in implementing omnibus legislation, which was then used to stipulate four laws, three of which are single omnibus bills, and one is a mega omnibus bill. Indonesia adopted this method into its legislative reform framework based on the Presidential Regulation of the National Medium-Term Development Plan 2020-2024 to simplify regulations in Indonesia, which have been a problem for decades in Indonesia³⁹. However, before the 2020-2024 National Mid-Term Development Plan, Indonesia had implemented the omnibus legislation method on a limited basis. The government and parliament drafted two omnibus legislation-based laws in Law Number 23 of 2014 concerning Regional Government (Local Government Law) and Law No. Number 9 of 2017 concerning Access to Tax Information (Access Tax Information Law), both of which repeal favorable legal policies regarding local government and tax information. The government also adopted the omnibus legislation method, after the stipulation of the 2020-2024 National Mid-Term Development Plan, with the simple omnibus bill Law Number 2 of 2020 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2020 concerning Financial Policy and System Stability in Handling Covid-19, Law Number 7 of 2021 concerning Harmonization of Tax Regulations, Law Number 3 of 2022 concerning the State Capital "Nusantara," and a mega omnibus bill of Law Number 11 of 2020 concerning Job Creation.

The five simple omnibus bills, each repealing several laws and regulations that contradict the provisions required in each bill, as well as the mega omnibus bill on the Job Creation Law, were drafted as a legal policy framework that reflects the efforts of the Indonesian government to fight obstacles in accelerating national development in the reform of legislation and regulations in Indonesia. The omnibus legislation method, which can also be referred to as the adopted and transplanted omnibus approach⁴⁰ into the

national legal system in Indonesia to formulate a legal policy that reflects the legal need to accelerate job creation⁴¹ by amending several counterproductive statutory provisions to accelerate the development agenda in Indonesia⁴². In fact, the enactment of the Job Creation Law has become a legal instrument that is considered capable of providing legal breakthroughs to overcome many problems.

At the inauguration of the President and Vice President on October 20, 2019, President Jokowi and Vice President Maruf Amin outlined their five (five) priority work programs, which included human resource development, infrastructure, simplification of regulations, debureaucratization, economic growth, and increased investment⁴³. In essence, the Government wants to improve the welfare of the Indonesian people by creating job opportunities. However, it is not easy for the Government to make efforts to create jobs because it is often faced with several problems, namely:

1. The number of laws and regulations on investments and micro, small, and medium-sized enterprises (MSEs) overlap or are harmonized, thereby complicating business processes and impeding job creation in Indonesia.
2. Investment and MSE arrangements in various laws have no relevance to the times and the development of needs in society; and
3. Existing regulations are insufficient, rendering their effectiveness ineffective⁴⁴.

in Law, 10(2), 723-734.

- 39 E. Carbonara dan F. Farisi, 2007, The Paradox of Legal Harmonization, *Public Choice*, 132(3-4), 367-369.
- 40 M. Graziadei, 2009, Legal Transplants and the Frontiers of Legal Knowledge, *Theoretical Inquiries*
- 41 A. Saifullah, 2020, Labor Movement Responses to the Indonesian Omnibus Law, *Research Paper for MA*, The Hague, the International Institute of Social Studies.
- 42 M. Junaidi dan A.H. Nuswantoro, 2020, Omnibus Law Reformulation in the Establishment of Regulations, *International Journal of Innovation, Creativity, and Change*, 14(8) 470-477.
- 43 Dewan Perwakilan Rakyat Republik Indonesia, 2020, *Risalah RDPU dengan PSHK dan PUSAKO Univ. Andalas dalam Rangka Penyusunan Prolegnas Tahun 2020-2024 dan Prolegnas Prioritas Tahun 2020 berkaitan dengan Omnibus Law*, Session Year 2018-2019 Session Period I, on Monday, November 4, 2019
- 44 Legislation Body of the House of Representatives of the Republic of Indonesia, 2020, "Naskah Akademik Rancangan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja", dpr.go.id, URL: <https://uu-ciptakerja.go.id/naskah-akademis-ruu->

The above-mentioned legal issues are confronted with obstacles, namely many interrelated laws, so conventional changes are deemed ineffective and inefficient because they take a long time and cost much money. Therefore, the concept of establishing a Job Creation policy using the Omnibus method⁴⁵ was conceived to circumvent the aforementioned issues.

The ratification and enactment of the Job Creation Law in November 2020 was seen as a breakthrough in the world of law and legislation and sparked a discourse in its drafting process, which was seen as full of controversy⁴⁶. However, at least the Center for the Study of Indonesian Law and Policy (PSHK) found five things that PSHK noted, namely:

- (1) The House of Representatives has not disseminated all the documents during the process of discussing the Job Creation Bill;
- (2) The House of Representatives also did not swiftly disseminate the final draft of the bill to be ratified as the Job Creation Law;
- (3) The House of Representatives and the President have not conducted a comprehensive self-evaluation of the application of the omnibus legislation method in the process of forming future laws;
- (4) The House of Representatives and the President continue the legislative agenda on the Job Creation Law despite serious failures to create a space for public participation, particularly in the Covid-19 pandemic situation; and
- (5) Instead of focusing on the government's surveillance of the Covid-19 handling

[tentang-cipta-kerja/](#), (diakses 11 Maret 2021), h. 211.

- 45 Gunawan Widjaja, 2021. "Indonesia's Omnibus Law in the International Context: Review of Legal and Human Rights Publication Journals". *Linguistics and Culture Review*, Volume 6, Issue S3, DOI: <https://doi.org/10.21744/lingcure.v6nS3.2005.64-76>.
- 46 Widiatedja, I.G.N.P. and Suyatna, I.N. (2022). Job Creation Law and Foreign Direct Investment in Tourism in Indonesia: Is It Better than Before?, *Udayana Journal of Law and Culture*, 6(1), 62-82, DOI: <https://doi.org/10.24843/UJLC.2022.v06.i01.p04>.

program, the House of Representatives tends to concentrate on the upcoming job creation bill process⁴⁷.

In less than a year, the entire substance of the Job Creation Law can be discussed and ratified by the House of Representatives⁴⁸. It took effect in early November 2020. Most recently, with the issuance of the Constitutional Court Decision Number 91/PUU-XVIII/2020, which stated that the technique/method of omnibus legislation was acceptable as long as it was applied by following the principles of the formation of legislation and declared conditionally unconstitutional with a period of two years to revise the Job Creation Law so that it is in line with the procedures for establishing the law, as well as following previous practices in implementing omnibus legislation⁴⁹.

This can be determined by examining legal politics from the perspective of legal policy to identify legal politics based on the classification of policy strata and documents indicating the policymaking process. Reasons for holding basic policies and enactment policies reflect two dimensions of legal politics reflected in the two sources⁵⁰. Both of them cannot be separated from the fundamental position of the five precepts of Pancasila, which are placed as the ideals of

47 Center for Indonesian Law and Policy Studies, "Pengesahan UU Cipta Kerja: Legislasi Tanpa Ruang Demokrasi." pshk.or.id, URL: <https://pshk.or.id/publikasi/pengeahan-uu-cipta-kerja-legislasi-tanpa-ruang-demokrasi/>, (accessed on July 10, 2021), p. 1.

48 Tsarina Maharani, dan Icha Rastika, "PSHK: Proses Pembentukan UU Cipta Kerja Abaikan Ruang Demokrasi." pshk.or.id, URL: <https://nasional.kompas.com/read/2020/10/06/12450231/pshk-proses-pembentukan-uu-cipta-kerja-abaikan-ruang-demokrasi?page=all>, (accessed on July 10, 2021), p. 1.

49 Hermanto, B. & Aryani, N.M. (2022). Omnibus Legislation as a Tool of Legislative Reform by Developing Countries, *Theory and Practice of Legislation*, Volume 9, Issue 3, 425-450, DOI: <https://doi.org/10.1080/20508840.2022.2027162>, pp. 435-436.

50 Hikmahanto Juwana, Arah Kebijakan Pembangunan Hukum di Bidang Perekonomian dan Investasi, *Makalah* disampaikan pada Seminar Arah Pembangunan Hukum Menurut UUD 1945 Hasil Amandemen, (Jakarta: National Legal Development Agency – Ministry of Law and Human Rights RI, 29-31 May 2006).

national law⁵¹ which guide all aspects of the state towards the ideals and goals of the state,⁵² either from a normative perspective or a constitutive perspective. National legal politics by personifying the ideals of national law from the five precepts of Pancasila as a legal direction applied to realize the state's goals, in the context of law formation and replacement of old laws, as well as being instrumental in achieving the goals of the Indonesian state⁵³. In the end, it is hoped that national law can function to embody Pancasila⁵⁴. In this context, labor issues governed by the Job Creation Law can be viewed through the lens of legal politics, i.e., by examining relevant narratives and materials behind the normalization process.

Recent developments have resulted in the enactment of the 2020 Job Creation Law, which is primarily a response to global developments toward disruption, the rapid advancement of technology, demands, and needs, and the complexity of current conditions, which have resulted in extremely diverse employment challenges and issues and triggered a variety of other legal consequences⁵⁵, especially in looking at the era of the

Industrial Revolution 4.0 with the dominance of digitalization in various fields. These national statistics project the demographic bonus in Indonesia, which in the end also touches on various central issues in the employment sector. The enactment of the Job Creation Law has led to rejection by various groups in society. The President ratified the Job Creation Law and promulgated it on November 2, 2020. The Job Creation Law has been declared formally flawed as stated in the Constitutional Court Decision Number 91/PUU-XVIII/2020 with conditional unconstitutionality for two years for improvements to the Job Creation Law.

The Job Creation Law is deemed to have violated the provisions of Article 96 of the P3 Law, which emphasizes that formulated policies must be carried out in a participatory manner since it did not involve the community in its formation, despite its emphasis on the importance of meaningful participation. The formulation of approximately 1200 articles affected by 78 laws is deemed insufficient, with only 64 meetings, most of which are internal formulation meetings and not public hearings⁵⁶. This can harm the Indonesian state's adherence to the principle of popular sovereignty or the rule of law. In essence, laws are created based on the desires of both legislators and the public. Following the democratic principle of a presidential system, the Parliament and the President are extensions of the people or uphold the people's sovereignty as legislators. By adhering to the principle of power limitation and considering the people's desires, the state has granted lawmaking institutions authority.

The neutrality of law requires "transparency" and "participation" in the lawmaking process. Later, these two crucial factors will serve as the basis for forming laws, which can then be elaborated upon in terms of procedures and mechanisms⁵⁷. Considering the opposition from various social circles to the

51 Wahyu Nugroho, 2013, Menyusun Undang-undang yang Responsif dan Partisipatif berdasarkan Cita Hukum Pancasila, *Jurnal Legislasi Indonesia*, Volume 10, Number 3, 209-218.

52 I Dewa Made Suartha, Hervina Puspitosari, & B Hermanto, Reconstruction Communal Rights Registration in Encouraging Indonesia Environmental Protection, *International Journal of Advanced Science and Technology*, 29 (3s), 1277-1293 (2020).

53 Yusa, I.G., Hermanto, B., and Ardani, N.K. (2021). Law Reform as the Part of National Resilience: Discovering Hindu and Pancasila Values in Indonesia's Legal Development Plan, *International Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2021): Advanced in Social Science, Education, and Humanities Research*, 620(1), 1-10, DOI: <https://doi.org/10.2991/assehr.k.211221.001>.

54 Achmad Irwan Hamzani, dan Mukhidin, M., 2015, National Law Development as Implementaion of Pancasila Law Ideals and Social Change Demands, *Jurnal Dinamika Hukum*, Volume 18, Number 2, 131-138, DOI: <http://dx.doi.org/10.20884/1.jdh.2018.18.2.898>.

55 Abdil Mughis Mudhoffir & Rafiqqa Qurrata Ayun, 2021, Doing business under the framework of disorder: illiberal legalism in Indonesia, *Third World Quarterly*, Volume 42, Issue 11, 2651-2668, DOI: <https://doi.org/10.1080/01436597.2021.1967738>.

56 Sigit Riyanto, et.al., *Catatan Kritis Terhadap UU No 11 Tahun 2020 tentang Cipta Kerja*, (Yogyakarta: Faculty of Law Universitas Gadjah Mada, 2020).

57 Sirajuddin, Fatkhurrohman, dan Zulkarnaen, *Legislative Drafting Pelembagaan Metode Partisipatif dalam Pembentukan Peraturan Perundang-undangan*, (Malang: Setara Press, 2015).

existence of this Job Creation Law, it can be concluded that the majority of people believe that this law is not formulated with the community's interests in mind, thus excluding the community from its formulation. Therefore, the government must guarantee the public's participation, particularly in decision-making. The level of public participation in forming a law can be measured by considering three factors: the number of public forums held, the number of community representatives involved, and the transparency of data related to the law's discussion. According to numerous reports in the mass media, the Job Creation Law has ignored public participation. Since the Government initially drafted it under the direction of the Coordinating Ministry for Economic Affairs at the end of 2019, the affected parties, namely the labor force, do not have adequate participation space in the ongoing process. This is in contrast to the claims and rhetoric of the government, which pushed for the Job Creation Bill to be drafted to encourage the creation of new employment opportunities and to be able to promote increased worker welfare in Indonesia⁵⁸.

2. Legal Protection for Workers in the Framework of Guaranteeing the Basic Rights of Indonesian Workers through the Job Creation Law

Paragraph 2 of Article 28D of the 1945 Indonesia Constitution affirms the constitutionality of the right to work and the right to work as a human right. These two types of rights in the context of work are fundamental to social and economic rights as well as human rights, with repercussions for the state's provision of facilities for community openness and the widest possible access to employment opportunities, as well as space to live a dignified life through work.

Systematically, three periods describe the part of the right to work and rights in work⁵⁹, namely the pre-employment period

58 Rizky Argama, *Pelanggaran Prosedur Dapat Membuat UU Cipta Kerja Batal*, pshk.or.id, PSHK <https://pshk.or.id/blog-id/pelanggaran-prosedur-dapat-membuat-uu-cipta-kerja-batal/>, (accessed on March 4, 2020), h. 1.

59 Abdul Khakim, *Dasar-dasar Hukum Ketenagakerjaan Indonesia*, Bandung: Citra Aditya

related to job vacancies, recruitment, and placement of workers as important matters. As the core substance of labor law, the period during work or the period during the employment relationship becomes extremely crucial and must be treated as such, necessitating active government intervention to regulate the employment relationship so that all parties can be protected relatively in work and business continuity. In addition, the government must pay more attention to the post-employment period to ensure equitable protection for workers, such as against prolonged illness, old age, pensions, and death benefits.

The three periods are inseparable from the concept of the right to work regarding access to work, productive access, wide open with freedom and not accompanied by discrimination, as has been outlined through the Employment Policy Convention of 1964 Number 122 to encourage a policy of access to widely available jobs, employment opportunities productive work, freedom to choose workers and the widest possible opportunity for workers with qualifications, skills and competencies to get suitable jobs, and free from discrimination in any form⁶⁰. This is also closely related to the concept of rights at work or labor rights, both in terms of fair remuneration, equality in payment of rights with performance burdens, working environment conditions, the rationale for limiting working hours, prohibition of discriminatory interventions, and prohibitions on workers' ability to exercise their basic rights⁶¹.

This issue has also prompted the need for the state to regulate worker issues further and all related aspects in relevant legislation and government regulations and guarantees both access to employment and the implementation of worker protections. Accordingly, various regulatory regimes have been implemented in Indonesia since Indonesia

Bakti, 2014).

60 United Nations, *Human Rights: A Compilation of International Instruments, Vol. I (Second Part) Universal Instruments*, New York: OHCHR, 2002).

61 Anggono, B.D., Fahmi, K., Madril, O., and Usfunan J.Z. (2021). *BPJS Ketenagakerjaan: Aspek Politik Hukum, Kelembagaan, dan Kepesertaan*, First Edition, Jakarta: RajaGrafindo Persada.

Table 1. Comparison between the 2003 Manpower Act and the Job Creation Law regarding the Basic Rights of Workers in the framework of the Protection of Workers in the Labor Cluster

No	Indicators	2003 Manpower Act	Job Creation Law	Explanation
1.	Big and Annual Leave	Article 79 paragraph (2) regulates rest between working hours (12 hours after working four hours continuously, excluding working hours); weekly rest (one to six working days a week or two days for a five-day work week); annual leave (minimum 12 working days with a year of continuous work); weekly rest (one to and long rest (two months in the seventh or eighth year with a duration of one month for workers who work for six years continuously, but thereafter are no longer entitled to annual rest in the current two years, which is obtained again by applying a multiple of six years of service).	Article 79 paragraph (2) covers breaks between working hours (1/2 hour after working for four continuous hours excluding working hours); Annual leave (at least 12 working days after the worker/labourer has worked for 12 months continuously).	The Job Creation Law provides a break for workers, which is 1 day out of six working days.
2.	Maternity Leave	Article 82 confirms that female workers are entitled to a break with a duration of one and a half months before giving birth to a child and one and a half months after giving birth based on the calculations of the obstetrician/midwife.	The old rules still apply	The Job Creation Law gives workers the right to apply for a long leave.
3.	Breastfeeding Opportunity	Article 83 provides rights for workers whose children are still being breastfed; they must be given appropriate opportunities to breastfeed, including during work hours.	The old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
4.	Worship/Hajj Leave	Employers are obliged to provide adequate opportunities for workers to carry out worship required by their religion.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
5.	Menstruation leave	Article 81 paragraph (1) provides rights for female workers who experience menstruation and feel pain, accompanied by notification to employers/entrepreneurs, not being obliged to work on the first and second days of menstruation.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.

No	Indicators	2003 Manpower Act	Job Creation Law	Explanation
6.	Minimum Wage	Based on Articles 89, 90, 91, and 92, the minimum wage is determined based on the province or district/city, considering the Wage Council's recommendations. Employers are prohibited from paying less than the nominal minimum wage that has been established.	Article 88 C stipulates that the Governor is obliged to determine the provincial minimum wage and may determine the regency/city minimum wage under certain conditions, both of which are determined based on economic and labor conditions.	
7.	Overtime Wage	It is regulated in Article 88 paragraph 3 letter b, whose arrangements are delegated in the Decree of the Minister of Manpower and Transmigration.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
8.	Severance pays	Article 156 paragraphs (1) and (2) confirm that, upon employment termination, the employer must pay severance pay proportional to the length of service.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
8.	Accident insurance	Chapter III concerning Welfare in Article 99, Article 100, and Article 101 confirms that it is regulated and implemented under the applicable legislation	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
9.	Life insurance	It is regulated in Chapter III concerning Welfare, in Article 99, Article 100, and Article 101, regulated and implemented under the applicable laws and regulations.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
10.	Pension plan	It is regulated in Chapter III concerning Welfare, in Article 99, Article 100, and Article 101, regulated and implemented under the applicable laws and regulations.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.
11.	Health care insurance	It is regulated in Chapter III concerning Welfare, in Article 99, Article 100, and Article 101, regulated and implemented under the applicable laws and regulations.	Old rules still apply	The Job Creation Law does not amend or revoke the provisions of the related Article.

Source: Processed Data by the Authors

faces similar problems as a developing nation.

The Job Creation Law in Chapter IV concerning Manpower in the context of strengthening labor protection, increasing the role and welfare of workers in supporting the investment climate, repealing, and enacting new regulations related to the labor sector on the basic rights of workers in the previous labor protection framework has been regulated in several laws and regulations including the following:

Based on the table above, it can be determined that three significant differences exist between the two regulations regarding the fundamental rights of workers. In this regard, there are three components of labor protection, most notably the fundamental rights of workers: guarantees for the protection of workers' work safety and social security, guaranteed leave protection, and guaranteed wage protection.

In this case, by limiting the context of crucial issues in the Job Creation Law, especially the wage segment in the employment cluster⁶², article 88C of the Manpower Law, which the Wage Council initially determined to become the domain of the Governor and Mayor/Regent, led to the determination of wages by setting according to economic and labor conditions, which triggered pros and cons to the community and the business world, becoming a very vague arrangement due to the changing stipulations. -change depending on the regional economic capacity, and allow negotiations between the government as the authority in determining wages, and the entrepreneur as an interested party, especially considering the balance of efforts to attract and attract investors for investment and job creation, but also the budget allocation for economic stimulus, as well as maintaining a fair minimum wage to prevent layoffs.

Thus, the rapid development of globalization over the past few decades has encou-

aged countries to integrate global markets, increased the importance of global governance, and affected several Southeast Asian nations⁶³, including Indonesia.

C. Conclusion

There are two primary conclusions: **first**, the development of labor regulations in the legal system of Indonesia requires a fundamental reorganization because there are so many overlapping rules that cannot be effective or effective when implemented in society. **Second**, in the context of protecting the rights of Indonesian workers, the state must provide guarantees of equality and non-discriminatory treatment to enhance the well-being of people. Therefore, policies on human resources following the enactment of the Job Creation Law on the fundamental rights of workers, which are grouped into three segments, namely Work Safety Guarantees, Social Safety Guarantees for Leave, and Wages, are crucial issues that must provide not only legal certainty but also be fair and beneficial to the workforce in Indonesia.

This article offers two main recommendations based on a comprehensive review: **first**, to simplify and reorganize laws and regulations, legislators must engage the public in formulating public policy through consolidation and integration. **Second**, parties affected by the enactment of the Job Creation Law should comply with existing regulations and oversight is required to ensure that this law is implemented without harm and that workers in Indonesia receive their rights as employees. The focus of policymakers should not only be on attracting as much investment as possible but also on developing human resources into a professional and competent workforce. Particularly for those who oppose the enactment of the Job Creation Law, the significance of this party's oversight and supervision in preventing potential irregularities in the implementation of the Job Creation Law cannot be overstated.

62 Ahmad Hunaeni Zulkarnaen, 2020, Hukum Pengupahan Undang-undang Cipta Kerja (UUCK) dan Keinginan semua Pihak dalam Hubungan Industrial, *JHMJ (Jurnal Hukum Mimbar Justitia)*, Volume 6, Nomor 2, 102-128, DOI: <https://doi.org/10.35194/jhmj.v6i2.1177>

63 Wayne Palmer, and Antje Missbach, 2019, Enforcing labour rights of irregular migrants in Indonesia, *Third World Quarterly*, 40, Iss. 5, (2019), 908-925, DOI: <https://doi.org/10.1080/01436597.2018.1522586>.

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